BILL NO. Z-74-03-18

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. B14

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B1B district under the terms of Chapter 36, Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended by General Ordinance No. 2836 and amendments thereof; and the symbols of the City of Fort Wayne Zoning Map No. B14, referred to therein, established by Section 9, Article III of said Chapter as amended, are hereby changed accordingly, to-wit:

TRACT NO. 1 - The west 80.0 feet of the east 240.0 feet of Lots Numbered Seventy-five (75) and Seventy-six (76) in Home Gardens Addition to the City of Fort Wayne, Indiana, being a Subdivision of the East half of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, EXCEPTING therefrom the South 20 feet thereof.

TRACT NO. 2 - The West 80.0 feet of the East 160.0 feet of Lot Numbered Seventy-five (75) and Seventy-six (76) in Home Gardens Addition in the East half of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, in Allen County, Indiana, EXCEPTING therefrom the South 20 feet thereof.

TRACT NO. 3 - The East 80 feet of Lots Numbered Seventy-five (75) and Seventy-six (76) in Home Gardens Addition to the City of Fort Wayne, Allen County, Indiana, EXCEPTING therefrom that part thereof taken for the widening of Tillman Road by Declaratory Resolution No. 1244

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Councilman

APPROVED AS TO FORM
AND LEGALITY

CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) ~~and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M.,E.S.T.~~

Date: 3/12/74 Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. Passed (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
BURNS				
HINGA				
KRAUS				
MOSES				
NUCKOLS				
SCHMIDT, D.				
SCHMIDT, V.				
STIER				
TALARICO				

DATE: _____ _____
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No._____ on the _____day of _____, 197___.

ATTEST: (SEAL)

_____ _____
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of_____, 197_____, at the hour of_____o'clock _____M.,E.S.T.

_____
CITY CLERK

Approved and signed by me this _____day of _____, 197____, at the hour of_____ o'clock _____M.,E.S.T.

_____
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 12, 1974, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-74-03-18; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on May 13, 1974;

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission by the attorney representing the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the attorney representing the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 20, 1974.

Certified and signed this
27th day of September, 1974.

Thomas J. Offerle
Secretary

Bill No. Z-74-03-18

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. B14.

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance ~~do not~~ PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

CONCURRED IN

DATE 10-8-74 CHARLES W. WESTERMAN, CITY CLERK

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

GENERAL FUND

No. 260

FT. WAYNE, IND., 12/13 19 74

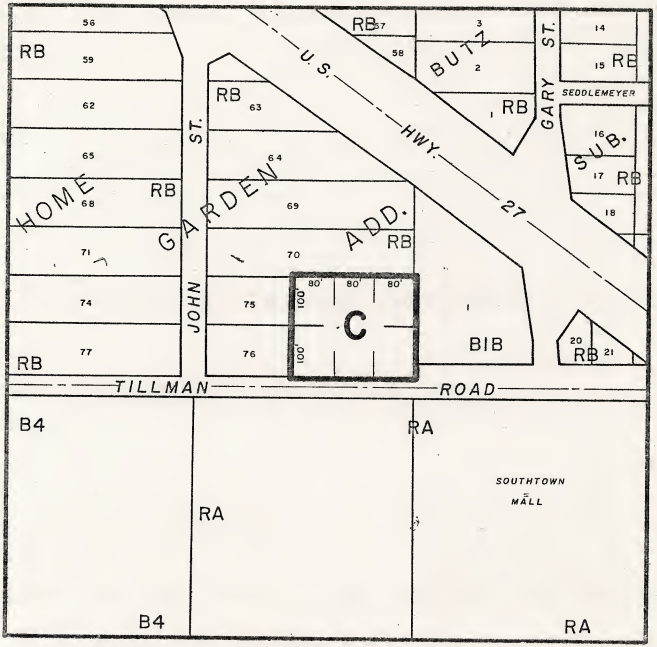
RECEIVED FROM Rochberg, Gallmeyer, Fruechtenicht + Logan $ 50.00

THE SUM OF Fifty and 00/100 DOLLARS

ON ACCOUNT OF Part Lots 75 + 76 in the Homewood Gardens 2nd Ed., Ft. Wayne, IN

Bart Steele

AUTHORIZED SIGNATURE



C CHANGE FROM RB TO BIB

Z-7403-18

PETITION FOR ZONING ORDINANCE AMENDMENT Receipt No. _____

TO: COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

I/We H & L REALTY CO., a partnership
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RB District to a/an B-1 B District the property described as follows:

TRACT NO. 1 - The west 80.0 feet of the east 240.0 feet of Lots Numbered Seventy-five (75) and Seventy-six (76) in Home Gardens Addition to the City of Fort Wayne, Indiana, being a Subdivision of the East half of the Southwest Quarter of Section 25, Township 30 North, Range 12 East, EXCEPTING therefrom the South 20 feet thereof.

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(Legal Description)

Tillman Road St B-1B

tr. 1 & 2 H & L Realty Co

tr. 3 Gordon Richard E. & H Sharpe Jr 9-11-69

11-6-72 72125524

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Sidney Hutner	1515 Dividend Road (City)	Sidney Hutner
Nicholas Litchin	1515 Divident Road (City)	Nicholas Litchin

Legal Description Checked By: _____
(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

(Name)	(Address)	(Telephone Number)
Thomas M. Gallmeyer	Indiana Bank Building	219/422-9454

City Plan Commission, City-County Building, Room 800, One Main Street, Fort Wayne, Indiana 46802 Telephone Number 423-7571

LAW OFFICES

ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG
THOMAS A. GALLMEYER
GEORGE E. FRUECHTENICHT
THOMAS D. LOGAN
PHILLIP E. GUTMAN
JOHN H. HEINEY
VERN E. SHELDON

DONALD M. AIKMAN
MARTIN T. FLETCHER
DAVID A. TRAVELSTEAD
RICHARD D. ROBINSON
THOMAS M. GALLMEYER
RICHARD E. FOX

AREA CODE 219
TELEPHONE 422-9454

INDIANA BANK BUILDING
FORT WAYNE, INDIANA
46802

September 26, 1974

Chairman of City Plan Commission
City-County Building - 6th Floor
One Main Street
Fort Wayne, Indiana 46802

RE: Bill Number Z-74-03-18

Dear Mr. Chairman:

Please accept this letter as a formal request to withdraw our Petition for Zoning Ordinance Amendment identified by the above captioned matter.

Sincerely yours,

ROTHBERG, GALLMEYER,
FRUECHTENICHT & LOGAN

Thomas M. Gallmeyer,
Attorney for H & L Realty

TMG/jat

RECEIVED
SEP 27 1974
FORT WAYNE CITY
PLAN COMMISSION

LAW OFFICES
ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG
THOMAS A. GALLMEYER
GEORGE E. FRUECHTENICHT
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RICHARD E. FOX

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TELEPHONE 422-9454

INDIANA BANK BUILDING
FORT WAYNE, INDIANA
46802

July 22, 1974

Chairman of the City
Plan Commission
6th Floor
City-County Building
Fort Wayne, Indiana 46802

RE: Bill Number Z-74-03-18

Dear Mr. Chairman:

Please accept this letter as a formal request to defer any action with regard to the above-captioned Zoning Request, inasmuch as problems have arisen and must be discussed with the Staff. As soon as I have an opportunity to discuss this Zoning Request with the Staff of the City Plan Commission, I will be in touch with you.

Sincerely yours,

ROTHBERG, GALLMEYER,
FRUECHTENICHT & LOGAN

Thomas M. Gallmeyer, Attorney for
H & L Realty Co.

TMG/jat

RECEIVED
JUL 22 1974
FORT WAYNE CITY
PLAN COMMISSION

LAW OFFICES
ROTHBERG, GALLMEYER, FRUECHTENICHT & LOGAN

SOL ROTHBERG
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RICHARD E. FOX

AREA CODE 219
TELEPHONE 422-9454

INDIANA BANK BUILDING
FORT WAYNE, INDIANA
46802

May 13, 1974

President of City Plan Commission
City-County Building
Fort Wayne, Indiana 46802

RE: Bill #Z-74-03-18

Dear Sir:

Please be advised that the above law firm represents H & L Realty Company, Petitioner in the above captioned matter. We are writing to request that our petition for zoning reclassification be withdrawn, and reset for the next meeting of the Plan Commission. The reason for this request is that the Petitioner envisions building a small shopping center which does not specifically fall within any zoning classification or shopping center definition. Therefore, it is necessary for the developers to meet with the staff to resolve this problem prior to an appearance before the City Plan Commission.

Sincerely yours,

ROTHBERG, GALLMEYER,
FRUECHTENICHT & LOGAN

Thomas M. Gallmeyer

TMG/jat

RECEIVED
JUL 10 1974
FORT WAYNE CITY
PLAN COMMISSION

Will S. Winders
7311 John Street
Fort Wayne, Indiana

July 9, 1974

Z-74-03-18

TO WHOM IT MAY CONCERN:

ADDRESSED TO : City Plan Commission
City-County Building
One Main Street
Fort Wayne, Indiana

We, Will S. Winders and his wife, Dorothy I. Winders, do not object to the proposed amendment for changing the resoning of Lots # 75 and # 76, Home Garden Addition, located on the north side of Tillman Road.

We do request that any business on said property provide prevention of lights shinning upon our home.

This approval depends upon the conditiion that this commission will also approve our property, located at 7311 John Street be rezoned for business too.

Sincerely,

Will S Winders
Dorothy I. Winders

Number assigned by Dave Keller's office: # 3345 Zoning Appr. ✓

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment Ordinance 3-74-03-18

DEPARTMENT REQUESTING ORDINANCE City Plan Commission

SYNOPSIS OF ORDINANCE Preparation of a Zoning Map Amendment Ordinance

Petition initiated by property owners to rezone property located as follows:

Part of Lots # 75 & 76 Home Garden Addition - 200' X 240' - located on the north side of Tillman Road, approximately 160' east of John Street.

From "RB" to "B1B".

EFFECT OF PASSAGE Property is presently zoned an "RB" Zone - Suburban Residential. Petitioners are requesting a "B1B" Zone - Limited Business

EFFECT OF NON-PASSAGE Property would remain suburban Residential

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

ASSIGNED TO COMMITTEE (J.N.) Regulation